

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

R.H.,	*	
	*	
Plaintiff,	*	
	*	Civil Action No. 15-30204-MGM
v.	*	
	*	
LORILEE I, LLC, et al.,	*	
	*	
Defendants,	*	
	*	
v.	*	
	*	
HAP COMMUNITY HOUSING SERVICES	*	
INC., et al.	*	
	*	
Third-Party Defendants.	*	

MEMORANDUM AND ORDER RE: REPORT AND RECOMMENDATION
ON PLAINTIFF'S MOTION TO STRIKE, THRID PARTY DEFENDANT HAP
COMMUNITY HOUSING SERVICES, INC.'S MOTION TO STRIKE, AND
THRID PARTY DEFENDANT GANDARA MENTAL HEALTH
CENTER, INC.'S MOTION TO DISMISS DEFENDANTS' THIRD
PARTY COMPLAINT
(Dkt. Nos. 26, 39, 61, and 82)

December 2, 2016

MASTROIANNI, U.S.D.J.

Magistrate Judge Katherine A. Robertson has issued a Report and Recommendation concluding that Defendants' third-party complaint is improper under Fed. R. Civ. P. 14(a). Judge Robertson therefore recommends that the motions to strike filed by Plaintiff (Dkt. No. 26) and third-party Defendant HAP Community Housing Services, Inc. (Dkt. No. 39) and the motion to dismiss filed by third-party Defendant Gandara Mental Health Center, Inc. (Dkt. No. 61) be granted and Defendant's third-party complaint (Dkt. No. 23) be dismissed. As Judge Robertson explained, impleader under Rule 14(a) is not appropriate unless the third-party's liability is dependent on the

outcome of the main claim and, here, there is no dependent relationship between the outcome of Plaintiff's discrimination claims and Defendants' third-party claims. The Report and Recommendation notified Defendants that they had fourteen days to file an objection. No objection has been filed.

Based upon the comprehensive and well-reasoned analysis presented in the Report and Recommendation, and noting there are no objections, the court, upon *de novo* review, hereby ADOPTS the Report and Recommendation in its entirety. (Dkt. No. 82.) As a result, Plaintiff's, HAP Community Housing Services, Inc.'s, and Gandara Mental Health Center, Inc.'s motions are GRANTED and Defendant's third-party complaint is hereby DISMISSED.

It is So Ordered.

/s/ Mark G. Mastroianni

MARK G. MASTROIANNI

United States District Judge